

APPLICATION NUMBER

5366

A REQUEST FOR

**MANEUVERING SURFACE AND ACCESS VARIANCES
TO ALLOW AGGREGATE MANEUVERING AREAS FOR
THE STORAGE OF ACCESSORY STRUCTURES AND AN
18-FOOT ACCESS IN A B-3, COMMUNITY BUSINESS,
DISTRICT; MANEUVERING AREAS MUST BE ASPHALT,
CONCRETE, OR AN APPROVED ALTERNATIVE PAVING
SURFACE, AND TWO-WAY ACCESS MUST BE A
MINIMUM OF 24 FEET WIDE IN B-3, COMMUNITY
BUSINESS DISTRICTS.**

LOCATED AT

West side of West I-65 Service Road South, 270'+ North of Government Boulevard

APPLICANT/AGENT

BARRY LOWE

OWNER

3400 GOVERNMENT LLP

BOARD OF ZONING ADJUSTMENT

AUGUST 2006

The applicant is requesting Maneuvering and Access Variances to allow aggregate maneuvering areas for the storage of accessory structures and an 18-foot access in a B-3, Community Business District; maneuvering areas must be asphalt, concrete, or an approved alternative paving surface, and two-way access must be a minimum of 24 feet wide in B-3, Community Business Districts.

The subject site is a lease parcel of a larger piece of property which has not been used commercially for several years and consists of a substandard width drive meandering into a large gravel-surfaced field. The applicant proposes to use the site for the sales of portable storage buildings, gazebos, and carports. Proposed site improvements indicated on the site plan submitted consist of a 12' x 24' sales office building, two parking spaces, and perimeter trees. The display area for the inventory buildings would be the gravel-surfaced field and possibly portions of the entrance drive beyond the proposed parking area.

While the two parking spaces indicated meet the requirements for number and size, the entrance drive to the site is approximately 18 feet wide and the drive width just outside the parking area is approximately 20' wide. Photographs furnished with the application indicate that the existing asphalt surface is of a deteriorated condition and actual usable widths are of question. Additionally, the parking spaces provided do not allow for the open sales or display area. With only two parking spaces provided, at least one would be for an employee, allowing for only one customer parking space.

Since the site is vacant, and has been for some time, any development of the site is required to meet the standards of the Zoning Ordinance for proper maneuvering surfaces and access widths, which are among the full site compliance requirements for new development. Additionally, the plan as submitted does not illustrate the requisite number of trees for the lease parcel, which will be required at the time of development.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

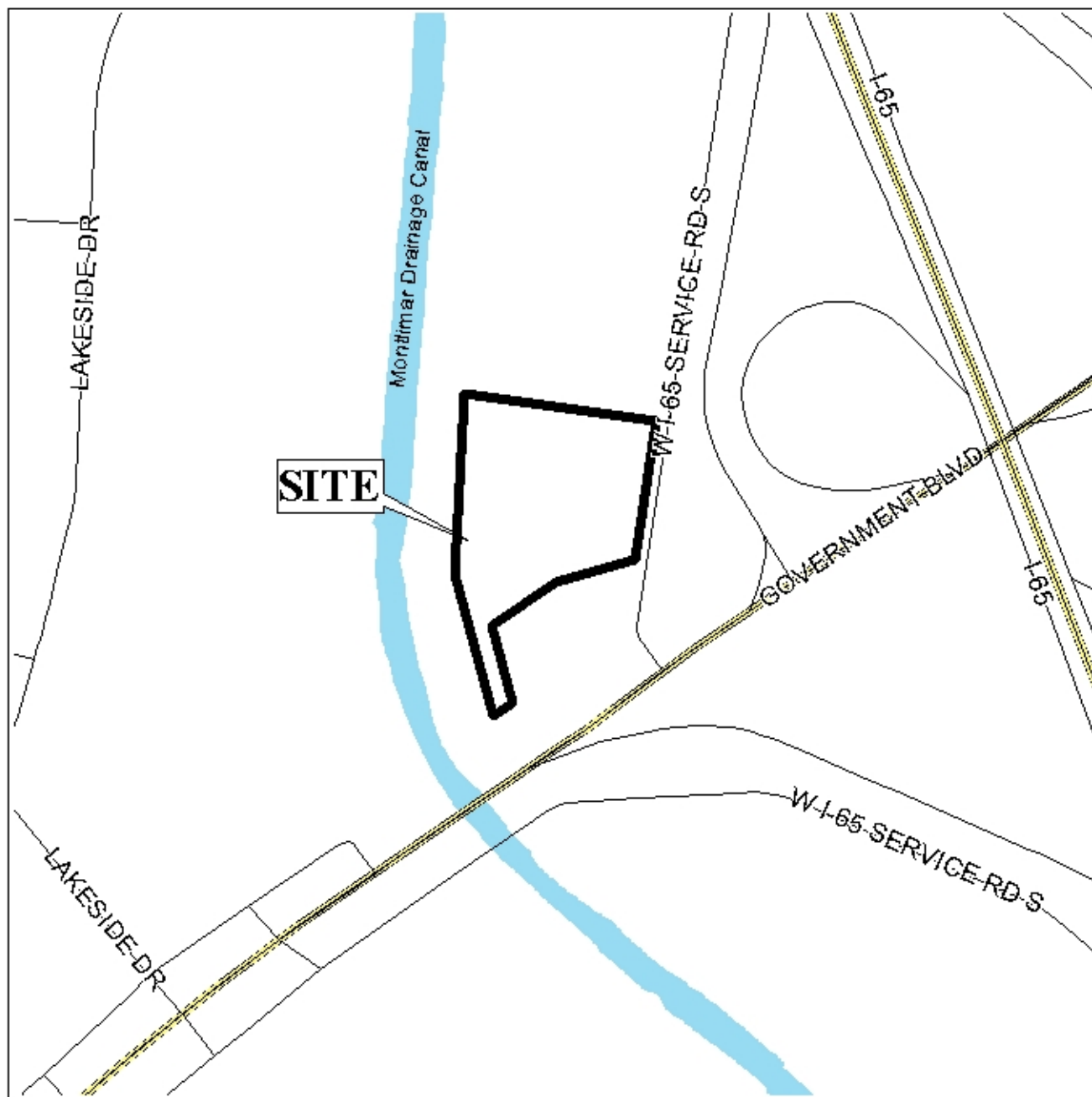
Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

The applicant has failed to illustrate that a literal enforcement of the Ordinance would result in an unnecessary hardship. It is simply the applicant's desire to do minimal site improvements and be allowed to utilize the existing substandard maneuvering surface and access widths.

RECOMMENDATION 5366**Date: August 7, 2006**

Based on the preceding, it is recommended that this application be denied.

LOCATOR MAP



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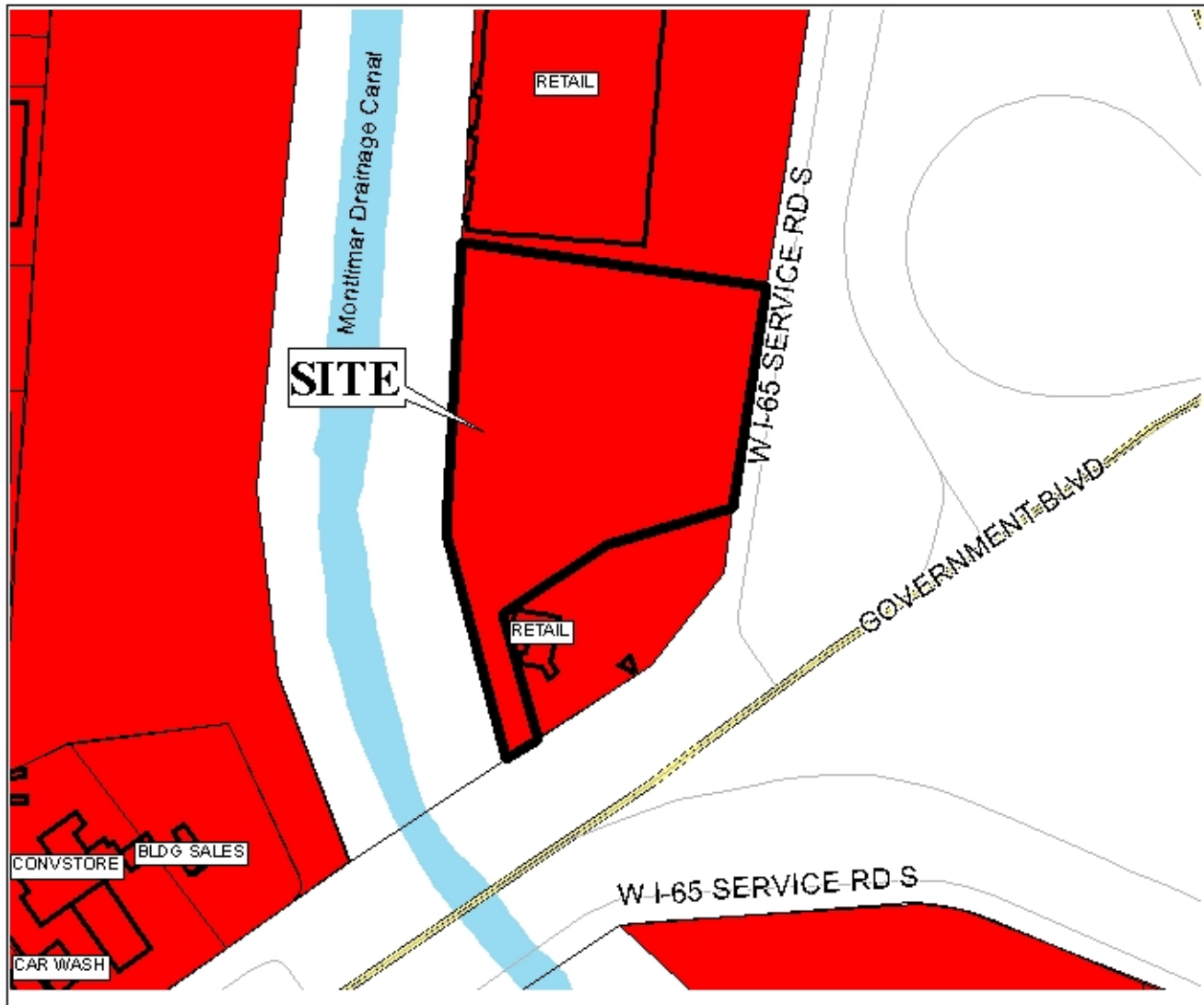
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REQUEST Maneuvering Surface, Access Variance



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial land use

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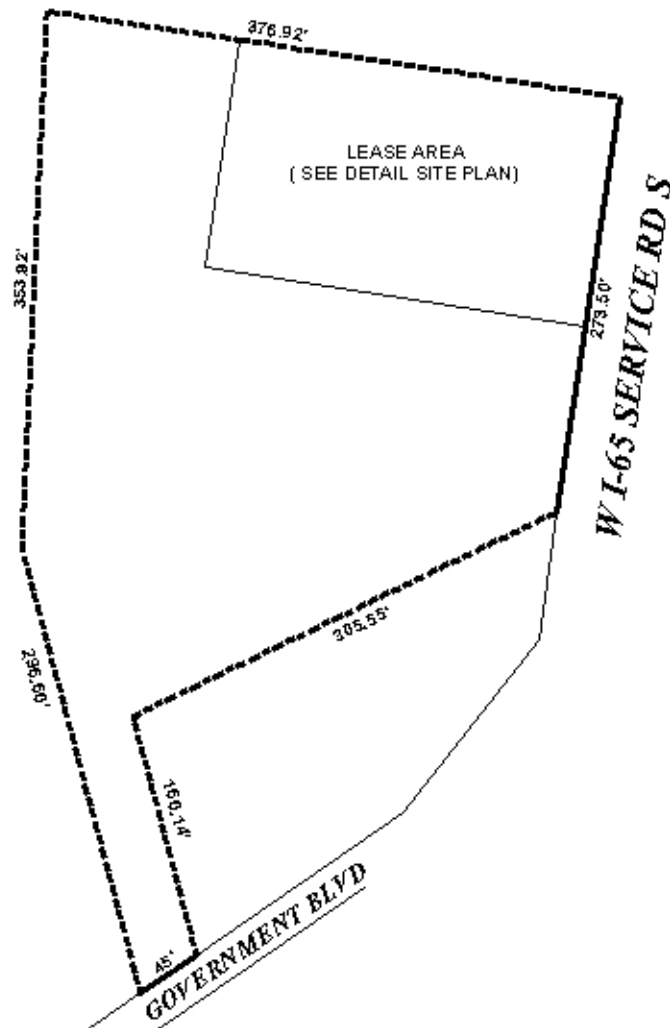
LEGEND

R-1	R-2	R-3	R-A	R-B	H-B	B-1	LB-2	B-2	B-3	B-4	B-5	I-1	I-2



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SITE PLAN



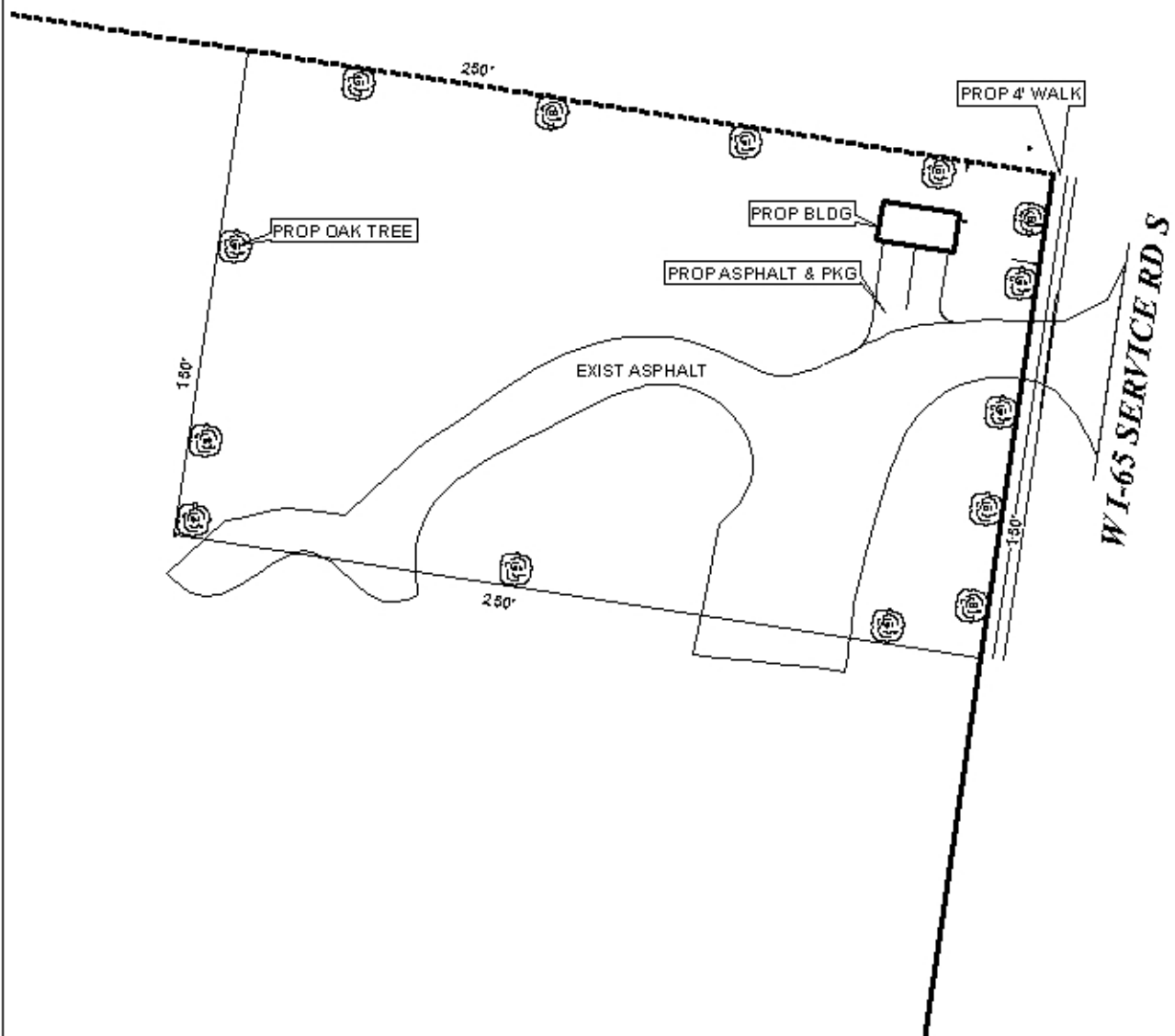
The site plan illustrates the proposed lease area

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DETAIL SITE PLAN



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